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f. All employees applying for a Sick Leave Bank grant agree to permit the Sick Leave Bank Committee to review leave records and all pertinent medical information.

(5) Disability Benefits.

a. No employee will be entitled to draw more than 60 workdays for one absence from work during a twelve-month period.

b. The maximum number of workdays which can be drawn by an employee from the Sick Leave Bank during his or her career is based on the length of his or her service and is shown below:

<u>Length of Service</u>	<u>Maximum Days</u>
1-4 years	50
5-9 years	100
10-14 years	150
15-19 years	200
20 or more years	250

c. Sick leave days granted to an employee need not be repaid.

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d. An employee who is approved receiving for disability retirement benefits from VRS or Social Security is ineligible to withdraw days from the Sick Leave Bank.

(6) Exclusions, Limitations, and Termination of Benefits.

a. Employees with disabilities resulting from the following will not be eligible for Sick Leave Bank grants:

- (1) Any occupationally related accident or illness for which Worker's Compensation benefits are payable.
- (2) Intentionally self-inflicted injuries.
- (3) Injury occurring in the course of committing a felony or assault.
- (4) Service in the armed forces.
- (5) War, insurrection, rebellion, or active and illegal participation in a riot.
- (6) Cosmetic surgery or treatment, or surgery or treatment not

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deemed necessary by a physician.

b. No Sick Leave Bank grants will be payable for that portion of any period of disability during which the disabled employee is confined in a penal or correctional institution as a result of conviction for a criminal or other public offense.

c. A participating employee will immediately lose the right to apply for or receive Sick Leave Bank grants in the event of any of the following:

(1) Termination of employment with the County.

(2) Suspension without pay.

(3) Voluntary cancellation of participation in the Bank.

(4) Failure to make required contribution or provide required physician certification.

(7) **Pre-Existing Condition.**

For employees eligible to participate in the Sick Leave Bank, disabilities arising within the first year of participation and attributable to a pre-existing condition will

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be excluded from the Bank. Pre-existing conditions are those conditions for which medical advice or treatment was received during the twelve (12) month period prior to the effective date of the employee's participation in the Sick Leave Bank. Charter members (those who joined the Sick Leave Bank when it was initially implemented) are not subject to this pre-existing condition provision.

(8) Administration.

a. The Sick Leave Bank is administered by the Human Resources Division. The Human Resources Division may recommend such rules and policies, not in conflict with those provided herein, considered appropriate for the operation of the Sick Leave Bank. Any additional rules or policy so developed must be agreed upon by the Review Committee and the County Administrator. The Sick Leave Bank policy will be reviewed and approved annually by the Board of Supervisors as part of the Personnel Policy.

b. An eight (8) member Review Committee is established. A member from each of the following departments of the County will be selected by the department director from those who participate in the Sick Leave Bank:

Community Services

Environmental and Development Services

Financial and Management Services

General Services

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Fire and Life Safety

Office of the Sheriff

In addition, one member is selected from County Administration (including the Office of the County Attorney) and one from the combined participants of the remaining Constitutional Officers (Office of the Treasurer, Office of the Commissioner of the Revenue, and the Office of the Commonwealth's Attorney). The Human Resources Manager shall serve as an ex-officio member of the Review Committee. Members of the Review Committee shall serve two-year terms and shall be eligible for re- appointment.

The Committee shall review all requests for withdrawal of hours from the Bank, verify the validity of the requests, approve or deny requests, and communicate the decision directly to the employee. The ruling of the Committee is final and non-grievable.

c. The Human Resources Division shall review the decisions of the Review Committee to assure consistency with County leave policy. The Human Resources Division shall notify the Division of Fiscal Accounting Services of the Review Committee's decision and to effect sick leave payments and to account for Sick Leave Bank grants.

d. All requests for sick leave bank participation, requests for bank grants, and cancellation of participation shall be made on authorized forms available in

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F&MS - Human Resources submitted in care of the Review Committee to F&MS - Human Resources. Applicants may submit requests for any extension of leave before the expiration of the current leave grant.

e. If the Review Committee finds that an applicant for Sick Leave Bank grants is eligible for disability retirement, or any other disability or loss of time benefits, the Review Committee may request that the applicant apply for such benefits. Failure to apply will disqualify the applicant for any consideration of Sick Leave Bank grants.

f. A request for a Sick Leave Bank grant must include a certificate signed by a physician confirming the cause of the illness or accident and certifying the existence of a disability which prevents the participating employee from performing assigned duties.

g. F&MS - Fiscal Accounting Services shall maintain records of participating employee's contributions, withdrawals, and the status of the Bank.

h. F&MS - Fiscal Accounting Services shall report the status of the Bank at any time upon the request of the Review Committee and provide information to the Committee with respect to any participating employee's contribution status or prior use of Bank grants.

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i. Contribution of sick leave days by participating employees shall be in whole day accruals.

j. Sick leave grants will not be awarded for any period less than 5 work days.

jk. The use of Bank days will be whole days payable at the rate of 80% of an employee's normal gross daily wages.

kl. ~~Regular sick or annual leave, or any credit for holidays is not earned while an individual is receiving grants from the Sick Leave Bank.~~ Employees who receive a sick leave bank grant for any portion of the month will not accrue sick or vacation leave for that month. Additionally, credit for holidays is not earned while receiving a sick leave bank grant.

(9) Termination or Modification of the Sick Leave Bank.

The County retains the right to discontinue or modify the Bank, if for any reason it becomes necessary, and to make such termination or modification unilaterally and without prior notice. However, all approved existing and pending disability withdrawals will be continued to the extent that sick leave days remain available. Should the Bank be terminated, all unused days will be distributed equally to the then current

participating employees.

(10) Financing.

Participating employees bear the benefit cost of the Bank through their annual contribution of sick leave days that are provided to them at no cost by the County. The County provides without charge the necessary resources to administer the Sick Leave Bank program.

Section 6-5: Compensatory Leave

a. Compensatory time off shall be awarded in lieu of paid overtime for non-exempt employees whenever possible and the employee must get time off at time and one-half for hours worked over the Fair Labor Standards Act (FLSA) threshold. Compensatory time is not accumulated and must be taken during the pay period in which earned or not later than the following two pay periods; otherwise, overtime is paid to those eligible for such payment.

b. Compensatory time off for employees exempt from the FLSA overtime provisions is not earned or accumulated. Reasonable amounts of compensatory time may be provided by the County Administrator or the department/division head, as appropriate,

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for exempt employees, if extended periods of overtime work are necessitated by the requirements of the position.

(1) Unlike non-exempt employees, the workweek of an exempt employee is not specifically defined as 40 hours per week. On the contrary, the general rule of thumb is that such employees work the number of hours required to "get the job done", and these need not be associated with any concept of a "normal" 40-hour work week. This is taken into account when compensation is determined for these positions.

(2) Compensatory time is provided to meet professional and personal needs which surface during normal working hours and is not designed to compensate hour for hour for extended hours of work.

(3) Compensatory time for exempt employees should be viewed in the same context and in the same spirit as the "get the job done" character of time worked. Both the employees and their supervisors are expected to utilize and administer an unstructured concept of compensatory time off in a fashion that is in keeping with generally accepted standards of employee performance and not in terms of hourly entitlement.

~~(4) When approved by the department director or supervisor, compensatory time should not exceed eight (8) consecutive hours.~~

Section 6-6: Leave of Absence Without Pay

Leaves of absence without pay for personal reasons, such as lengthy illness beyond sick leave accrual, personal business, or travel must be requested in advance and in writing from the employee. Following is the County's policy and procedures concerning advance notice, entitlement to leave without pay and status of benefits. If an individual qualifies for Family and Medical Leave, the policy procedures require additional steps and it is therefore necessary to refer to Section 6- 8 for specific information regarding this type of leave without pay status. Leave without pay that qualifies under Family and Medical Leave requires the approval of the Department Director and the Human Resources Manager.

For reasons other than those that fall under Family and Medical Leave Policy, the request must state the reason, and the starting and the probable date of return. Leave without pay is at the discretion of the County and may be refused at any time.

Department directors may approve leave without pay for a period of up to ten (10) workdays if conditions warrant. An employee is required to request in writing the reason(s) for leave without pay status. Leaves of absence in excess of ten (10) workdays and not to exceed twelve (12) calendar months require the County Administrator's approval. Except as provided in other sections of this policy, leave without pay is granted

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only when all annual leave has been exhausted.

Employees on leaves of absence without pay for 30 consecutive calendar days or less remain on active employment status and accumulation of benefits continue; those on such leave in excess of 30 consecutive calendar days are placed on temporary non-pay, inactive status and the period of absence is not considered as service toward accumulation of benefits. Special provisions may be applied to Head Start teachers who are hired for less than a full program year and go into a leave without pay status during the summer months when school is not in session.

When leave without pay occurs ~~before or after~~ for any part of the work day immediately preceding or following a holiday, no credit in pay is given for the holiday. Holidays that occur during such absences are likewise not credited to the employee for pay.

Section 6-7: Other Leave

a. Maternity Leave:

There are no special provisions for maternity leave. Available sick leave is granted for maternity leave. When exhausted, annual leave may be used. Medically complicated pregnancies are treated in the same fashion as is the case for other medical problems. Maternity leave qualifies under the provisions of the Family and Medical leave

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h. Emergency Conditions Leave.

Should the County Administrator authorize the closing of County Offices because of an emergency, such as inclement weather conditions, regular full-time and regular part-time employees will not suffer a loss in compensation and will be paid their regularly scheduled hours for that day. Should emergency conditions necessitate the early closing or late opening of County Offices, regular full-time and regular part-time employees will be paid for their regularly scheduled hours regardless of the hours worked or missed during the period. Cooperative Office Education Students and Work As Required employees will not be considered as having been scheduled to work during the period of authorized closing and are therefore not entitled to any compensation for these hours. Non-exempt ~~E~~ssential personnel, other than Fire & Rescue employees assigned to station duty, deputies sheriff and communication dispatchers, required to work outside their normally scheduled hours during periods of authorized emergency conditions leave will receive pay at their normal hourly rate for all such hours worked outside their normally scheduled hours, until total hours actually worked exceed the applicable over-time threshold. In addition, non-exempt essential personnel other than Fire and Rescue employees assigned to station duty, deputies sheriff and communication dispatchers, will receive compensatory leave, on an hour for hour basis, for any hours of required work performed during the periods of authorized emergency conditions leave that fall within their normally scheduled work hours. This leave must be taken within ninety (90) days of being earned. Any hours in which employees are not required to work during the period of emergency conditions leave will not count toward over- time eligibility. Employees in any other prior approved

leave status (i.e., vacation, sick, military etc.) will remain in that status.

Section 6-8: Family and Medical Leave Policy

This policy implements the Family and Medical Leave Act of 1993, the "Act" which became effective on August 5, 1993. This policy is intended to summarize the Act, and is not intended to change or alter any rights of employees under the Act. The use of the term "family leave" in this policy is intended to cover both family and medical leave under the "Act."

a. **Eligibility.** To be eligible for family leave, an employee must have been employed for at least one year and worked at least 1,250 hours during the previous twelve months as of the date leave commences. This policy applies equally to male and female employees; however, when both husband and wife work for the County, the full amount of family leave is limited to an aggregate of 12 weeks when the family leave is for the birth, adoption, or foster care of a child, or to care for a sick parent.

b. **Entitlement.** A covered employee is entitled to up to 12 workweeks of unpaid family leave during any fiscal year period. Such leave requires the approval of the Department Director and the Human Resources Manager. Such leave will, upon request by the employee or designation by the County, be granted for the following reasons:

Section 11-3: Reasons for Disciplinary Measures

Reasons for discipline include, but are not limited to the following:

- Lying, cheating, and stealing in any of the forms these might take.
- Violation of Section 14-9: Harassment.
- Disregard for work or safety rules.
- Failure to meet job standards.
- Unauthorized use of County purchasing card.
- Misuse of position with the County.
- Willful or negligent damage to County property.
- Placing property or persons at risk of injury.
- Weapons possession and/or physical violence.

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- Refusal to comply with reasonable instructions from an authorized supervisor.
- Failure to follow County or Department procedures whether the same are established in writing or by standard practice.
- The possession, use, distribution or sale, and/or reporting to work under the influence of alcohol or controlled substances.
- Gambling on County time or property.
- Falsification or improper use of County records.
- Commission of any act constituting a crime under Federal or State law or County ordinance: While on County time or property, or of such a nature as to indicate unfitness or unsuitability for continued employment in the particular position.

The preceding is intended only as a guide and disciplinary action is not limited to these offenses. The severity of the discipline will depend on the facts and circumstances of each particular instance.

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be required to report to work as normally scheduled. Such employees are generally notified by the department director in advance of any announcement to report to work as scheduled and receive normal pay. Others, in the interest of public safety, receive paid emergency conditions leave. . Please see Section 6-7(h) for information regarding emergency conditions leave.

Section 14-4: Holidays

The County of York observes the following holidays and other such holidays as may be prescribed by the Board of Supervisors:

New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	Fourth day of July
Labor Day	First Monday in September
Yorktown Day	Nineteenth day of October
Veteran's Day	Eleventh day of November
Thanksgiving	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Eve	Twenty-Fourth day of December
Christmas Day	Twenty-fifth day of December